

AN ACT

relating to posting a sign warning restaurant or bar employees against fraudulent use or possession of identifying information; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.60 to read as follows:

Sec. 35.60. WARNING SIGN ABOUT IDENTITY THEFT FOR RESTAURANT OR BAR EMPLOYEES. (a) In this section:

(1) "Credit card" means an identification card, plate, coupon, book, number, or any other device authorizing a designated person or bearer to obtain property or service on credit.

(2) "Debit card" means an identification card, plate, coupon, book, number, or any other device authorizing a designated person or bearer to communicate a request to an unmanned teller machine or a customer convenience terminal or obtain property or services by debit to an account at a financial institution.

(b) This section applies only to a restaurant or bar that accepts credit cards or debit cards from customers in the ordinary course of business.

(c) A restaurant or bar owner shall display in a prominent place on the premises of the restaurant or bar a sign stating in letters at least 1/2 inch high: "UNDER SECTION 32.51, PENAL CODE, IT IS A STATE JAIL FELONY (PUNISHABLE BY CONFINEMENT IN A STATE JAIL

1 FOR NOT MORE THAN TWO YEARS) TO OBTAIN, POSSESS, TRANSFER, OR USE A
2 CUSTOMER'S DEBIT CARD OR CREDIT CARD NUMBER WITHOUT THE CUSTOMER'S
3 CONSENT."

4 (d) A restaurant or bar owner shall display the sign in
5 English and in another language spoken by a substantial portion of
6 the employees of the restaurant or bar as their familiar language.

7 (e) A restaurant or bar owner who fails to comply with this
8 section commits an offense. An offense under this subsection is a
9 misdemeanor punishable by a fine of not more than \$25.

10 (f) It is a defense to prosecution under this section that
11 the person charged produces to the court satisfactory evidence that
12 the person displayed a sign as required by Subsection (c) not later
13 than 48 hours after the person received a citation for an offense
14 under Subsection (e). If the court is satisfied with the evidence
15 produced by the person, the court shall dismiss the charge.

16 SECTION 2. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 982 was passed by the House on April 5, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 982 was passed by the Senate on May 17, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor